



**Welcome the stranger.
Protect the refugee.**

Statement submitted to the Senate Appropriations Committee

Hearing on the President's Emergency Supplemental Request Related to Unaccompanied Children at the U.S.-Mexico Border

July 10, 2014

The surge of unaccompanied children at the U.S.-Mexico Border is a humanitarian crisis. The U.S. government must ensure that the safety and well-being of migrants—particularly children—are at the heart of every policy decision made in response.

HIAS supports President Obama's \$3.7 billion Emergency Supplemental Appropriations Request for Fiscal Year 2014 (FY14). The \$1.83 billion increase for the Office of Refugee Resettlement (ORR) must be approved if we are to provide migrant children with appropriate care and ensure that the U.S. maintains our country's commitments and obligations to asylum seekers and refugees.

More than 52,000 unaccompanied children have crossed the southern border of the U.S. in the last nine months, and it is expected that 80,000-90,000 will arrive by the end of the current fiscal year. U.S. law requires that the children from Central America have their cases heard by an immigration judge before they can be deported. The system was designed to serve the 6,000 to 8,000 kids who used to come to the U.S. every year—it cannot handle 80,000. This is indeed an emergency, and it should be funded as such. Congress must act swiftly to provide additional funding to ORR and other agencies that are responsible for serving these children.

Increased funding must not be attached to the repeal of laws intended to protect the safety and welfare of unaccompanied children. The Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008 includes important protections for vulnerable children such as ensuring access to legal and social assistance. This legislation must remain intact as child safety is a recognized national priority and humanitarian imperative.

Although only recently brought to the attention of the public, migration from the "Northern Triangle" of Central America—El Salvador, Guatemala, and Honduras—has risen steadily as violence has increased and transnational organized crime has gained a foothold in the region. Honduras has the highest homicide rate in the world, and as the murder rate has risen, so has migration. In these

countries, gangs forcibly recruit children as young as five. Kids who refuse are tortured and killed by the gangs. They are also targeted by vigilante groups who indiscriminately kill young people in neighborhoods known for gang activity. There are few employment opportunities; about a third of young people in the urban areas of these countries are not employed or in school. A recent report from the UN refugee agency (UNHCR) found that more than half of the children they interviewed cited violence, sexual abuse, forced gang recruitment, and other forms of exploitation as the main reason they fled. The police do not protect them and the weak governments in the region do not control the violence.

The journeys these migrants take are extremely dangerous, making them vulnerable to sexual assault, trafficking, and exploitation. In most cases, the unaccompanied children have fled relentless violence and hopelessness in search of a safe place and a better life.

With governments unable to ensure the safety of their citizens, children and families are fleeing to the U.S., as well as other countries in the region including Mexico, Panama, Nicaragua, Costa Rica and Belize. In fact, the United Nations refugee agency (UNHCR) reports a 712 percent increase in asylum applicants from the Northern Triangle in these countries, an indication that people are fleeing in all directions and that the influx of asylum seekers is not unique to the U.S.

It is absolutely crucial for Congress to ensure that everyone in danger of persecution is given a meaningful opportunity to seek asylum under U.S. law. In 2005, a congressionally-authorized U.S. Commission on International Religious Freedom (USCIRF) [Report on Asylum Seekers in Expedited Removal](#) found that Customs and Border Protection (CBP) was not following its own rules to ensure the protection of migrants with a fear of return. The study found that in 15 percent of observed cases where an arriving non-citizen expressed a fear of return, CBP summarily deported the individual without referring him or her to an asylum officer.

Since the study was released nine years ago, CBP has not demonstrated that any measures have been taken to address the protection deficiencies faced by asylum seekers who cross the border. The Administration and Congress must not further expand expedited removal of migrants—particularly unaccompanied minors—until CBP has taken steps to address these deficiencies.

The right to family unity has long been a cornerstone of U.S. refugee policy. Many of the children coming to the U.S. are seeking to reunite with their families in a place of refuge; many are the children of the 269,000 Salvadorans and Hondurans legally authorized to live and work in the U.S. under Temporary Protected Status. Because of the failure of the House of Representatives to follow the Senate's lead and pass Comprehensive Immigration Reform, these children have been separated from their parents for years with no hope of being able to legally reunite with their parents.

Given the lack of hope for family reunification and the extreme violence in their home countries, the U.S. should offer humanitarian parole or other relief to these children. This would open family unity and refugee processing channels south of our border while undercutting smugglers.

This crisis requires a holistic approach that prioritizes safety and opportunity for children in the countries of the Northern Triangle. The U.S. Border Patrol and other government officials that come into contact with migrant children once they arrive at our border should be trained to deal appropriately with them. Children should be screened in a non-adversarial setting by officials trained to interview children who can assess whether the child has a credible fear of return. Children who flee the violence who have asylum claims must be able to make them.

Furthermore, systems and funding should be in place to ensure that these children have competent legal representation and are not left alone to represent themselves in court. Congress should allocate funds to the immigration courts to process cases quickly and should fund programs to help ensure the safe return and integration of children who are sent back to their home countries.

As a global humanitarian leader, the United States must respond to this crisis in a thoughtful and calculated manner thoroughly consistent with international refugee law and American principles of due process. The entire world is watching our response—other nations around the world are receiving increased numbers of vulnerable migrants from Northern Triangle countries and other trouble-spots. We must set a good example for them to follow.

Congress must immediately increase funding to ORR for FY14 so that the influx of children at the border is not paid for by the refugees from Iraq, Syria, Eritrea, Sudan, and Ukraine and elsewhere who have been generously offered protection by the U.S. The U.S. Refugee Admissions Program is a key component of our government's foreign policy and we should not be pitting the interests of resettled refugees directly against those of migrant children.

Due to the current crisis, ORR – which has long been underfunded – faces an enormous funding shortfall and has “reprogrammed” funds that had been budgeted to pay for services for refugees who arrive in the U.S. from around the world. This reprogramming has already started to have devastating consequences for recently arrived refugees. Many successful programs are at risk, including those that support micro-enterprise, child care for refugee families, Cuban-Haitian entrants, elderly refugees, and school impact grants.

Throughout our history, America has been defined by our generosity toward those who seek a safe haven from violence, oppression, and persecution. We must build and maintain processes that reflect the American tradition of offering a chance at a new beginning to those who seek safety and freedom. As a global humanitarian leader, the U.S. has an obligation to fairly and objectively assess asylum applicants who arrive at our borders in a manner consistent with international refugee law and American principles of due process. The U.S. must show leadership in helping unaccompanied children while maintaining our commitment to asylum seekers and refugees.

Attached is a statement of 20 Jewish organizations urging the U.S. government to protect both unaccompanied children and refugees.

Jewish Statement on Unaccompanied Children at the U.S.-Mexico Border

July 7, 2014

As organizations deeply rooted in Jewish values, we support policies that promote human rights, ensure the protection of children, and fulfill the Torah's mandate to 'welcome the stranger.' As such, we are very concerned about the urgent humanitarian crisis on the U.S.-Mexico border. Migration of vulnerable children and others from the "Northern Triangle" of Central America—El Salvador, Guatemala, and Honduras—has risen steadily as violence has increased and transnational organized crime has gained a foothold in the region. The safety and well-being of these migrants—and particularly the unaccompanied children—must be at the heart of every policy decision made in response to this humanitarian crisis.

The only long term solution to this crisis is a holistic approach that prioritizes safety and opportunity for children in the countries of the Northern Triangle. Increased border enforcement must be accompanied by more meaningful measures to ensure that all migrants in danger of persecution have access to a meaningful opportunity to seek asylum. Children in particular must have the legal and social assistance they need to determine whether or not they have a refugee claim or other forms of legal relief available to them and, above all, to ensure that their lives are protected.

It is crucial that we deal with this urgent humanitarian situation while maintaining our country's commitment to asylum seekers and refugees. As organizations based on Jewish values, we oppose any plans to "reprogram" funds that had been budgeted to pay for refugee resettlement services. Such cuts to the U.S. Refugee Admissions Program would have devastating consequences for recently arrived refugees as they begin their lives anew in our communities. The Administration and Congress should not be pitting the interests of resettled refugees directly against those of migrant children. Based on the Jewish values to which we adhere and our proud history as a community and nation established by immigrants and refugees, we urge the U.S. government to protect both children and refugees in a humane manner.

